

CITY OF HAYWARD AGENDA REPORT

Meeting Date 9/11/03 Agenda Item 1

TO:

Planning Commission

FROM:

Dyana Anderly, AICP, Planning Manager

SUBJECT:

Appeal of Denial by Planning Director of Administrative Use Permit/Site Plan Review Application No. PL-2002-0268 and an Exception to the Off-Street Parking Regulations - Crossway Church (Applicant) - Request to Allow a Church at 21353 Foothill Boulevard and to Modify the Exterior Design of the Buildings at 21353 and 21311 Foothill Boulevard in a General Commercial (CG) District, and to

Allow Required Parking to be Shared Between Two Adjacent Parcels

RECOMMENDATION:

It is recommended that the Planning Commission find the project categorically exempt from CEQA review and uphold the Planning Director's denial action, subject to the attached findings.

DISCUSSION:

The applicant is requesting to locate a church in a former furniture store at 21353 Foothill Boulevard, approximately 118 feet south of Apple Street. The project includes the conversion of retail display and storage areas into a sanctuary to accommodate 256 worshipers, 9 classrooms, 5 offices, a nursery, and ancillary rooms. The parcel contains space for seven parking stalls.

The adjacent parcel to the north (21211 Foothill), which is under separate ownership, is currently developed with a church. The owner of this parcel intends to convert the church to an assembly area for Bible study purposes and for a Sunday school. This building will function as an annex to the proposed church building at 21353 Foothill. This parcel contains space to accommodate 11 parking stalls.

The administrative use permit application includes a request to remodel the exteriors of both structures, landscape both parcels, and re-stripe the parking lots for joint use. On-street parking to accommodate approximately three vehicles is available along the Apple Street frontage. There is no bus stop in front of the site.

The proposed parking on the combined parcels totals 18 stalls. In addition, 80 parking stalls that are associated with the office buildings across Apple Street are currently available to church members on Sundays, holidays and evenings. The 80 parking stalls are in Alameda County, outside the City's jurisdiction. The City's Off-Street Parking Regulations allow for required parking to be met by providing nearby off-site parking, subject to the approval of an administrative use permit. Last year Alameda County granted a use permit to allow parking for the church to be shared with the offices, but the permit was granted for only a five-year period.

A church in the General Commercial District requires approval of an Administrative Use Permit, and on July 23, 2003, the Planning Director denied the Administrative Use Permit application for Crossway Church. The denial action was based on the significant intensification of the use of the building coupled with inadequate on-site parking and the uncertainty involved with the proposed parking arrangements on the adjacent and remote parking lots. (There would be no irrevocable covenants to guarantee the availability of off-site parking in perpetuity.) While it is possible to grant an administrative use permit for the church for a time period coincident with the guaranteed availability of off-site parking, limiting the church to a five-year period would be unrealistic given the substantial physical improvements to the buildings and land involved.

On July 30, 2003, the applicant appealed the Planning Director's decision. In the appeal letter, attached as Exhibit B, the appellant indicates that there would be adequate parking available to members of the church, that the peak hours for church-related parking do not coincide with those of the area, that the proposed physical improvements meet the City's design standards, and that the parking demand for a church is less than for other commercial entities that could occupy the building.

The City of Hayward's Off-Street Parking Regulations require an *additional* 42 parking stalls for the proposed church, and there is no space on the property to accommodate additional parking stalls. The Off-Street Parking Regulations state,

At the time a new use is established in an existing building, where a major change of use or expansion in the existing use is involved for any lot structure, or building, except in the Central Parking District, additional parking shall be provided for the new use based on the difference between the parking requirements for the new use [51] as set forth in this article and the parking requirements for the prior use [9]. For purposes of these requirements, 'major change of use' shall mean a change of use that would increase the number of parking spaces or loading berths required by at least 25 percent or by at least 10 parking spaces, whichever is greater. [Numbers in brackets added by staff.]

The parking requirement for the proposed church is 42 parking stalls in addition to the 9 stalls existing on the parcel. If another furniture store (or similar use) were to reoccupy the building, no additional parking would be required. If an office building were to occupy the building, 46 parking stalls would be required; and if a retail establishment characterized by hand-carried merchandise were to occupy the building, 42 additional parking stalls would be required.

In the event of approval of a use permit, such conditions may be imposed as may be reasonably necessary to assure that the use will occur in maximum harmony with the area. These conditions may include a requirement for additional parking over and above the 42 spaces required by the Off-Street Parking Regulations, which is reasonable given the capacity of the church and the ancillary building.

In August 2002, Alameda County approved a use permit to allow the church to use a parking lot on the north side of Apple Street for a 5-year period; and in June 2003, the property owner of the adjacent corner parcel signed a 10-year agreement to allow joint parking. Pedestrians traveling

from the remote lot to the church would have the benefit of sidewalks and a signalized intersection. However, it was due to the uncertainty and the lack of a guarantee associated with these parking arrangements that the Planning Director denied the administrative use permit.

Environmental Review:

Environmental review is not required when a project is denied. If the Planning Commission were to determine that approval of the church would be appropriate, staff should be directed to perform appropriate environmental review of the project, which would include a finding that there is adequate parking available to church members.

Conclusion:

If the Planning Commission is supportive of the administrative use permit, staff should be directed to bring back the project with an analysis of environmental impacts, the site plan review aspects of the application, and related findings and conditions of approval. If the Planning Commission upholds the Planning Director's denial action, the appellant could appeal the Planning Commission's decision to the City Council.

Public Notice:

On August 28, 2003, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the former members of the North Hayward Neighborhood Task Force. No responses were received from the notice.

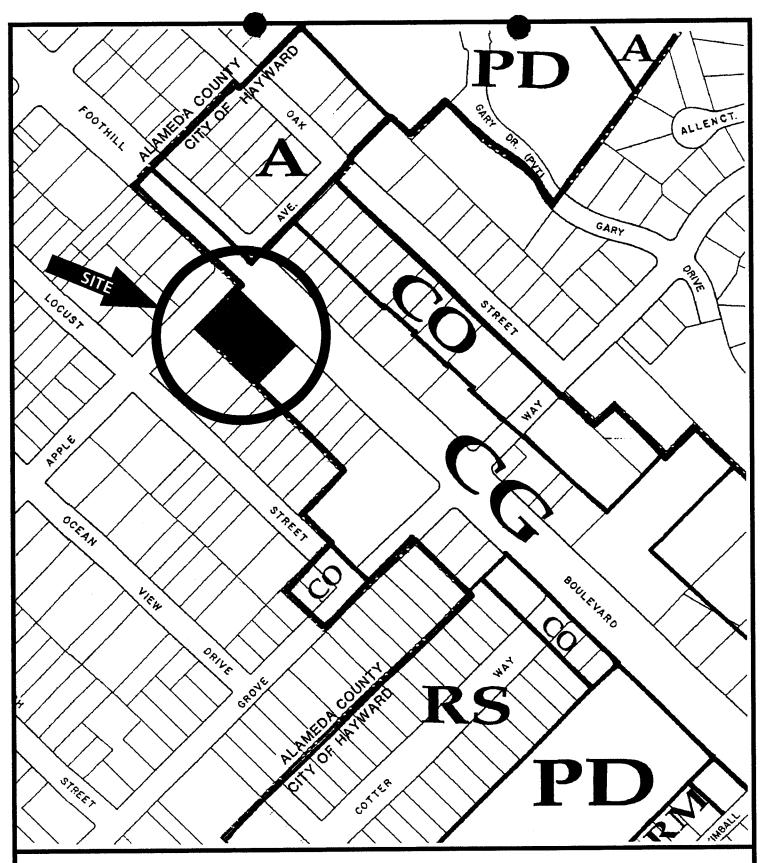
Prepared by:

Dyana Anderly, AICP

Planning Manager

Attachments:

- A. Area Map
- B. Appeal Letter
- C. Findings for Denial of the Administrative Use Permit Plans



Area & Zoning Map

PL-2002-0268 AUP

Address: 21353 Foothill Blvd. Applicant: Crossway Church Owner: Crossway Church A-Agricultural
CG-General Commercial
CO-Commercial Office
PD-Planned Development

RM-Medium Density Residential,RMB3.5,RMB4. RS-Single-Family Residential,RSB4,RSB6

크로스웨이 교회

Crossway Church

21313 Foothill Blvd. ◆ Hayward, CA 94541 ◆ 담임목사 : 안민성 (510) 481-2490 ◆ (510) 581-5514 ◆ 사 택 (510) 888-9629

Date: July 30, 2003

RECEIVED

City Of Hayward Director of Planning Department 777 'B' Street, Hayward, CA. 94541 AUG 04 2003

PLANNING DIVISION

RE: <u>Administrative Use Permit # PL-2002-0268</u> 21353 Foothill Boulevard.

Dear Mr. Emura,

Crossway Church is in receipt of your letter dated July 23rd, 2003, and noted the contents respectively.

The church highly appreciates all the professional help you have given to us to date. We are saddened to hear that after all the efforts we put into the project to enhance and meet the city's requirements, the Director of Planning has denied our application on the grounds of not being able to ensure long-term offsite parking under the authority of another jurisdiction.

We respectfully would like to inform you of our decision to appeal the Planning Directors administrative denial of our application to the Planning Commission, for the following reasons:

- a. Additional offsite parking for the church has been approved by the County for a term of 5 years and upon the expiration of the term, an additional 5 year term will be granted by the County. It is the County's by-law that additional terms can be extended upon the expiration of the first term i.e. every 5 years.
- b. The main entrance of the Churci is located at 310'-3" along a traversable pedestrian route from the farthest offsite parking space as required by the code (SEC.10-2.402). Also the offsite parking facility is located on Apple Street which is a Secondary street in comparison to Foothill Blvd which is the main thoroughfare.
- c. Traffic will be less impacted, since the facility's usage is during **NON-PEAK** hours.
- d. The location of the offsite parking area including the building structure is owned by the Mr. Jay H. Ku, who is the Elder of the church. One of the reasons Mr. Jay H, Ku purchased the property where the offsite parking is located, was to utilize the parking during NON-PEAK hours by the church Congregation.

- e. A lease has been signed between Crossway Church and Mr. Jay H. Ku for a term of 10 (ten) years for the utilization of the offsite parking structure by the church and an option to be agreed for a further period to be determined if needed.
- f. Crossway Presbyterian Church has diligently met ALL the façade and landscaping improvements required by the planning department for improving entry way into the city.
- g. If other primary businesses were to occupy this building in question, improving the façade would not be required. Secondly, instead of Church use, if a primary business were to occupy the space, the planning department would require 66 parking stalls instead of 51 parking stalls for Church assembly. (SEC. 10-2.230 and SEC. 10-2.340)

Crossway Church respectfully submits that if the use of the facility for assembly purposes is approved it will serve its congregation and property improvement will also enhance and beautify the city and improve the traffic along its busy thoroughfare.

Respectfully,

Min Song Ahn

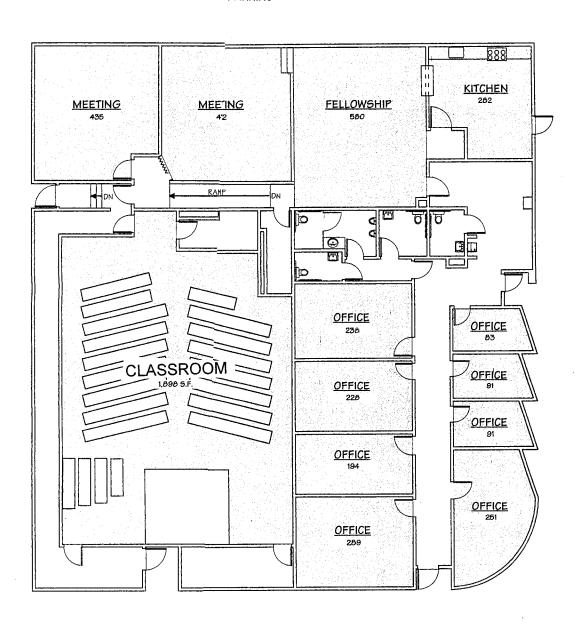
Senior Pastor

Findings of Denial Administrative Use Permit/Site Plan Review Application No. 2002-0268 Crossway Church - Applicant

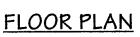
Request to Convert a Former Furniture Store to a Church, to Remodel Two Buildings, and for Joint Use of a Parking Lot

21353 and 21211 Foothill Boulevard

- A. That the proposed church is not desirable for the public convenience or welfare due to the uncertainty of the availability of parking associated with the parking demands of the church;
- B. That the proposed church will impair the character and integrity of the General Commercial zoning district and surrounding area due to the uncertainty of the availability of parking associated with the demands of the church;
- C. That the proposed church will be detrimental to the public health, safety, or general welfare due to the uncertainty of the availability of parking associated with the demands of the church; and
- D. The proposed church is incompatible with the City of Hayward Off-Street Parking Regulations related to off-site parking in that there is no guarantee that parking will be available on a long-term basis.

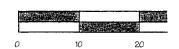


FOOTHILL BLVD.





APPROXIMATE FLOOR AREA: 6,743 SQ. FT.



PROPOSED EDUCATIONAL BLDG. REMODEL FOR CROSSWAY CHURCH

	21353 FOOTHULL BLVD	HAYW	ARD, CALIFORNIA 94541		
MAP	PROJECT DATA	REFEREN	ICE SYMBOLS		INDEX OF DRAWINGS
	LOCATION : 21353 FOOTHILL BLVD. HAYWARD, CA.	SYMBOL	DESCRIPTION	SHT. No DWG	DESCRIPTION
	LOT AREA: 13,330 SF (NEW CHURCH BLDG. ONLY) PARKING REQD: ASSEMBLY ROOM AREA: 3,718 SF/100 = 37 PS REOD. 256 SEATS Ø 22" = 469' -4" 469' -4" / 22" = 256 OCCUPANTS 256 OCC./5 = 51 > 37	SECTION NUMBER DRAWING NUMBER SEC APPEARS ON	BUILDING SECTION		
	THEREFORE: 51 PS REQUIRED PROVIDED: EXISTING BUILDING 10 STANDARD	759'-0" HEIGHT IS BASED ON ACTUAL HEIGHT ON TOPOGRAPHIC MAP	ELEVATION REFERENCES		
	5 COMPACT 2 ACCESSIBLE 1 BICYCLES (4) CHURCH BUILDING 2 STANDARD	DRAWING NUMBER ELEVAPPEARS ON	EXTERIOR ELEVATION (ATION		
	ON SITE SPACES PROVIDED OFF SITE SPACES PROVIDED TOTAL SPACES PROVIDED OFF SITE SPACES PROVIDED 102 2 ACCESSIBLE 22 = 43 % REDD. PARKING 80 102	DETAIL NUMBER DRAWING NUMBER DETAIL APPEARS ON	DETAIL SYMBOLS		
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	GARBAGE: CONTAINER SIZE REQUIRED:	① & 🙆	WINDOW NUMBER & TYPE		
	NO. OF EMPLOYEES 5	② & © 201	DOOR NUMBER & TYPE ROOM NUMBER		
	LBS. OF REFUSE PER WEEK 21 FORMULA: 5 X 21/ 150 = 1 CY PER WEEK MINIMUM REQUIREMENTS: 2 CONTAINERS 9 7' LENGTH X 3.5' WIDTH X 4' HT.	WH)	WATER HEATER		
	ENCLOSURE SIZE (INTERIORS): 15' LENGTH X 6' WIDTH X 5' HT.	MATERIA	L SYMBOLS		
		RIGID INSULATION	WOOD FINISH		RECEIVED
		BATT INSULATION PLASTER	PLYWOOD METAL (LARGE SCALE)		APR 2 5 2002
		CONCRETE (LARGE SCALE) CONCRETE (SMALL SCALE)	METAL (SMALL SCALE) GYPSUM WALL BOARD		PLANNING DIVISION
		(SMALL SCALE) CONCRETE MASONRY	GLASS (SMALL SCALE)		Drainat #
		WOOD (BLOCKING) GLASS (LARGE SCALE)	INFILL CONCRETE		Project # PL-2002-0268 AUF

REVISION:	DATE:

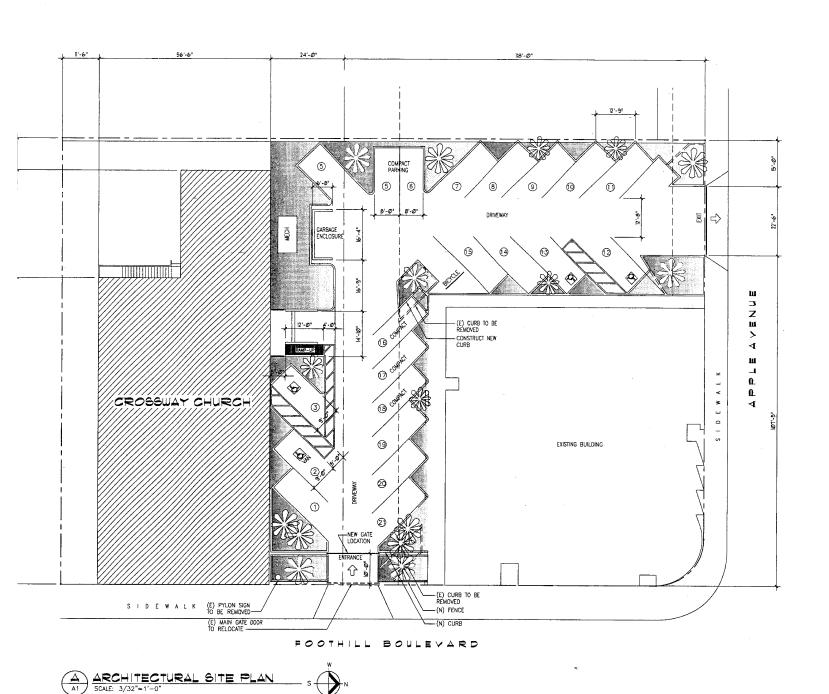


3335 SELDON CT. FREMONT, CA. TEL: (510) 623-7100 FAX: (510) 249-9810 www.RegencyGC.com

PROPOSED EDUCATIONAL BLDG. REMODEL
FOR CROSSWAY CHURCH
PROJECT LOGATION:
21353 FOOTHILL BLVD. HAYWARD CA 94541

SHEET TITLE: COVER SHEET/ INDEX OF DRAWING

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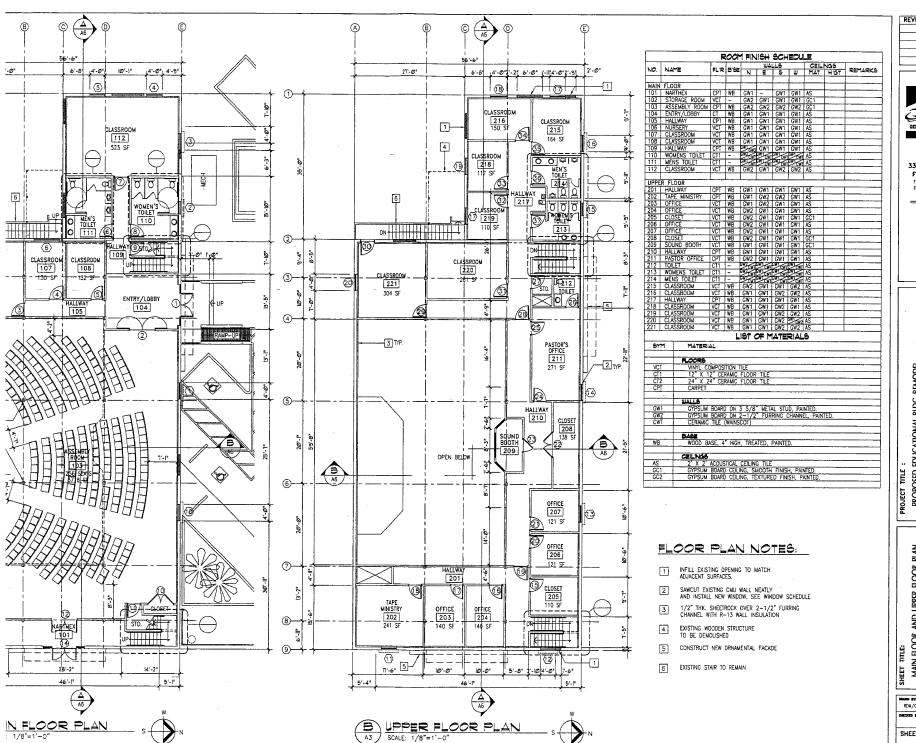
FREMONT, CA.
TEL: (510) 623-7100
FAX: (510) 249-9810
www.RegencyGC.com

PROPOSED EDUCATIONAL BLDG. REMODE. FOR CROSSWAY CHURCH PROJECT TITLE

PROJECT LOCATION: 21353 FOOTHILL BLVD. HAYWARD CA 94541

ARCHITECTURAL SITE PLAN

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BLVD. HAYWARD

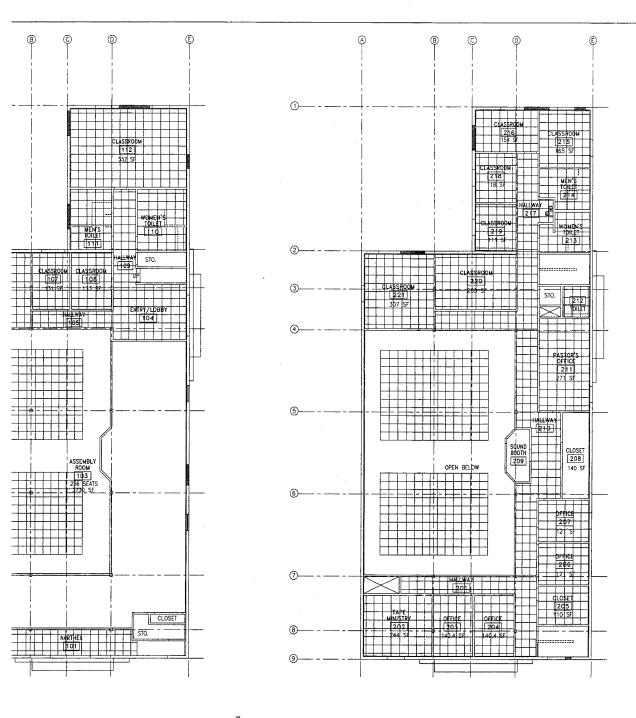
LOCATION
FOOTHILL

PROJECT 21353 F

Proposed Educational Bldg. Remodel For Crossway Church

MAIN FLOOR AND UPPER FLOOR PLAN, ROOM FINISH SCHEDULE

DRAWN STY	DATE
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3335 SELDON CT. FREMONT, CA. TEL: (510) 623-7100 FAX; (510) 249-9810 www.RegencyGC.com

BLDG, REMODEL PROPOSED EDUCATIONAL FOR CROSSWAY CHURCH

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: BLVD. HAYWARD

PROJECT LOCATION : 21353 FOOTHILL B

MAIN AND UPPER FLOOR REFLECTED CEILING PLAN TITLE

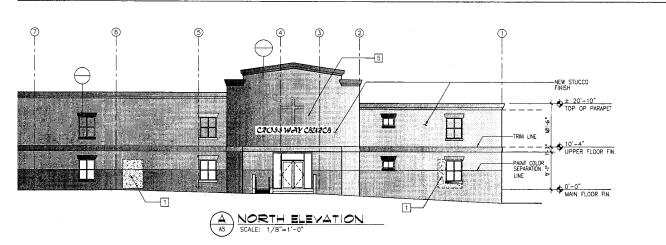
> 4 OF

RDM/GBN 03-27-03 AS SHOWN SHEET: Α4

R REFLECTED CEILING PLAN

B

UPPER FLOOR REFLECTED CEILING PLAN SCALE: 1/8"=1'-0'



ELEVATION NOTES:

- INFILE EXISTING OPENING TO MATCH ADJACENT SURFACES.
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 AND INSTALL NEW WINDOW, SEE WINDOW SCHEDULE
- 1/2" THK. SHEETROCK OVER 2-1/2" FURRING CHANNEL WITH R-13 WALL INSULATION
- 4 EXISTING STOREFRONT TO REMAIN
- CONSTRUCT NEW ORNAMENTAL FACADE

REVISION:	DATE:



3335 SELDON CT.

PROJECT LOCATION: 21353 FOOTHILL BLVD. HAYWARD CA 94541

PROPOSED EDUCATIONAL BLDC. REMODE. FOR CROSSWAY CHURCH

FREMONT, CA.
TEL: (510) 623-7100
FAX: (510) 249-9810
www.RegencyGC.com

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EAST ELEVATION

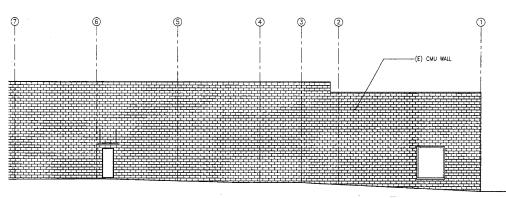
SCALE: 1/8"=1'-0"

SCALE: 1/8"=1"-0"

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				♦ 0'-0" MAIN FLOOR FIN.
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SHEET TITLE:
BUILDING ELEVATIONS
AND ELEVATION NOTES

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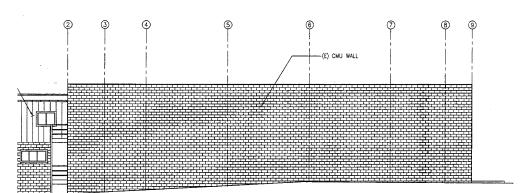


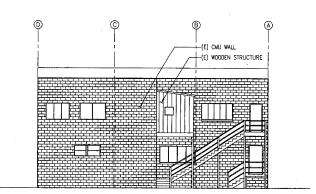
(E) STUCCO WALL

A5.1 NORTH ELEVATION
SCALE: 1/8"=1'-0"

B EAST ELEVATION

SCALE: 1/8"=1'-0"





A5.1 SCALE: 1/8"=1'-0"

D WEST ELEVATION

SCALE: 1/8"=1"-0"

REVISION:	DATE:

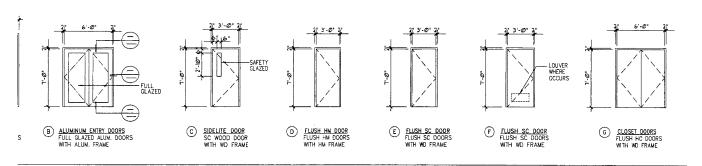


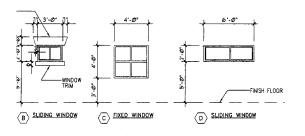
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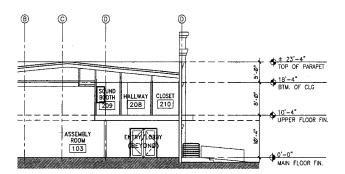
PROJECT TITLE:
PROPOSED EDUCATIONAL BLDG. REMODEL
FOR CROSSWAY CHURCH
PROJECT LOCATION:
21333 FOOTHILL BLVD. HAYWARD CA 94541

SHEET TITLE:
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BUILDING SECTION SCALE: 1/8"=1'-0"

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-y - 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0' x 6'-8' 3'-0' x 6'-8'		PACE STEEL	HM	HARDWARE GROUP	
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-y - - - - - - - - -	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0' x 6'-8' 3'-0' x 6'-8'		PACE STEEL	HM	HARDWARE GROUP	- - - - - - - - - - - - - - - - - - -
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0" x 6'-8' 3'-0" x 6'-8'		PACE STEEL	HM H	HARDWARE GROUP	- - - - - - - - - - - - - - - - - - -
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0" x 6'-8' 3'-0" x 6'-8'		PACE STEEL	HM H	HARDWARE GROUP	- - - - - - - - - - - -
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0" x 6'-8' 3'-0" x 6'-8'		PACE STEEL	HM H	HARDWARE GROUP	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0" x 6'-8'		PACE STEEL	HM H	HARDWARE GROUP - - - - - - - - - - - - - - - - - -	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	A A A A A A A A A A A A A A A A A A A	(WxH) 3-0" x 6-8"		PACE STEEL	HM H	HARDWARE GROUP	
	A A A A A A A A A A A A A A A A A A A	(WxH) 3'-0" x 6'-8'		PACE STEEL	HM H	HARDWARE GROUP - - - - - - - - - - - - - - - - - -	





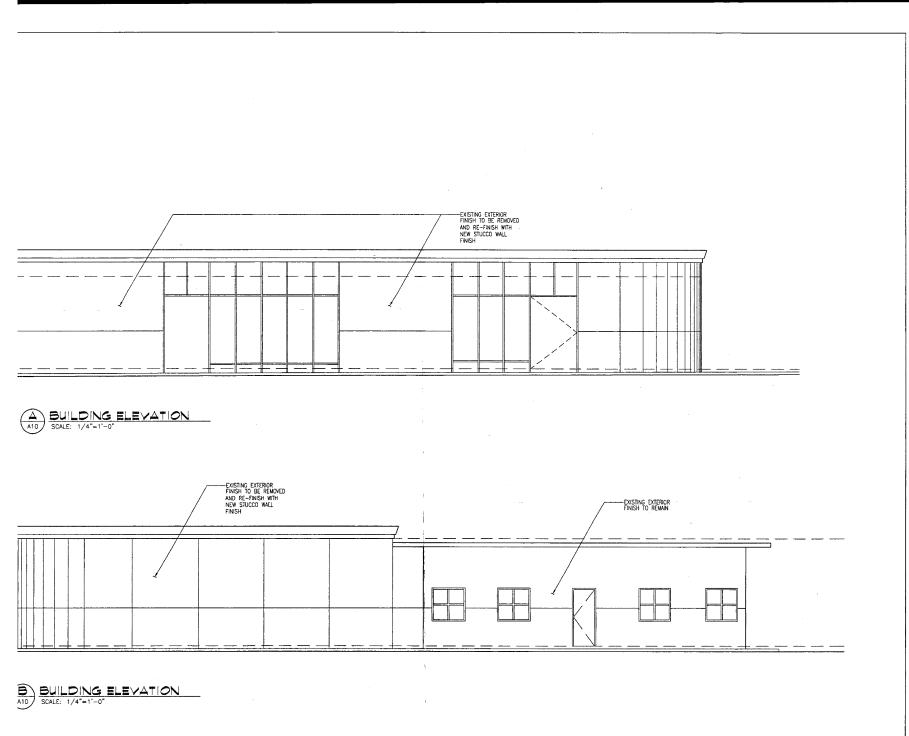
3335 SELDON CT. FREMONT, CA. TEL: (510) 623-7100 FAX: (510) 249-9810 www.RegencyGC.com

PROPOSED EDUCATIONAL BLDG, REMODEL FOR CROSSWAY CHURCH PROJECT TITLE :

PROJECT LOCATION: 21353 FOOTHIL BLVD, HAYWARD CA, 94541

SHEFT TITLE:
BUILDING SECTIONS, DOOR AND
WINDOW TYPES AND SCHEDULE

DRAMM BY:	DATE				
RDM/GBN	03-27-03				
CHECOGED BY:	BCMD				
!	AS SHOWN				
SHEET:					
A9					
4	OF 6				





3335 SELDON CT. FREMONT, CA. TEL: (510) 623-7100 FAX: (510) 249-9810 www.RegencyGC.com

PROJECT TITLE :
PROPOSED EDUCATIONAL BLDC. REMODEL
FOR CROSSWAY CHURCH

PROJECT LOCATION: 21353 FOOTHIL BLVD, HAYWARD CA 94541

SHEET TITLE:
EXISTING BUILDING ELEVATIONS

-	DATE:				
RDM/GBN	03-27-03				
CHECONED BY	SCALE:				
	AS SHOWN				
SHEET:					
A10					
2	OF 7				